

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEIGH ANN KUHN and ROBERT KUHN,
SR.,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES; DAVID
W. ROTHCHILD, in his individual capacity;
LEWIS COUNTY SHERIFF DEPARTMENT;
HAL SPROUSE, in his individual capacity; and
R.K. BISHOP, in his individual capacity,

Defendants.

Case No. C04-5294RBL

PRETRIAL ORDER

On March 3, 2006, at the Pretrial Conference, Defendants raised two questions concerning the scope of Plaintiffs' claims. The Court enters the following Order to resolve those questions and clarify the claims Plaintiffs will be permitted to pursue at trial.

I. Breadth of Plaintiffs' Claims

Plaintiffs' claims are limited to those outlined in the Complaint [Dkt. #3] and section II A of the Pretrial Order [Dkt. #127] and not already dismissed pursuant to the Court's Order on Defendants' Motion for Summary Judgment [Dkt. #111]. Consequently, the following claims are precluded: any negligent investigation claim against Defendant State of Washington or Defendant

1 Lewis County and any *Monell*¹ custom or policy claim against Defendant Lewis County under 42
2 U.S.C. §1983.

3 **II. Clarification of “Denied Without Prejudice”**

4 The Court’s Order on Defendants’ Motion for Summary Judgment denied without prejudice
5 several of Defendants’ arguments. With the exception of those claims addressed in the preceding
6 paragraph, that Order remains unchanged. The Court’s denials without prejudice do nothing to limit
7 the ability of either party to move for judgment as a matter of law under Fed. R. Civ. P. 50.

8 IT IS SO ORDERED.

9 DATED this 8th day of March, 2006.

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12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE
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25 ¹*Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 690 (1978).